

**CITY OF FITCHBURG
CONSERVATION COMMISSION
MEETING MINUTES**

TUESDAY, SEPTEMBER 30, 2008

COMMISSIONERS IN ATTENDANCE: Tom Starr, Chairman, Phil Chalifoux, Mike Donnelly, Harry Karis, John Koutonen, Kevin Sanders (associate member)

STAFF IN ATTENDANCE: Tim Smith, Mike O'Hara

CALL TO ORDER: Meeting called to order at 6:00 p.m. in the Veteran's Room, First Floor, City Hall.

PUBLIC HEARINGS

Notice of Intent - Newark America, Snows Mill pond dam improvements (*postponed several times*)

Tighe & Bond had requested a postponement to October meeting. Commission agreed to postpone to Oct. 28.

Notices of Intent - Labell Construction, Depot & Fairmount St., (*continued several times*)

Hannigan Engineering had requested postponement until the next meeting, to after they had been before the Planning Board. Commission agreed to postpone to Oct. 28.

Erosion & Sediment Control Plan - Habitat for Humanity of North Central Mass., corner Allen Place & Huron Street - three-family dwelling

Mike Nobrega of Habitat had requested postponement. Commission agreed to postpone to Oct. 28.

Abbreviated Notice of Resource Area Delineation #2 - Westminster Hill Realty Co., off Hemlock Dr., St. Jude Blvd. & Ashburnham St.

Russ Wilson & Domenic DiBiase presented plan. This was the second ANRAD done on the approx. 200 acres in Fitchburg.

Commission and applicant reviewed Tim Smith's report.

Tim basically agreed with Carr's delineation. They did a good job on a difficult site.

Tim: the river corridor (Phillips Brook) is worthy of protection.

Timeline for DiBiase?

Answer: now that delineation of entire site is approved, he can go to the next step and talk with his engineer about development plans. He has talked with abutting property owner (Lewis Lunn) about water supply to area, but there is no agreement.

Russ Wilson brought up issue of a finger of wetlands in question that he had discussed with Tim.

Tim will review and get back to him.

Motion made & seconded to issue Order of Resource Area Delineation as to the wetlands delineation and Riverfront Area (not the location of any vernal pools) with two conditions:

- Any missing or ripped wetlands flags on the property shall be replaced prior to construction to insure that heavy equipment operators and others working on the property know where the protected wetlands are located.
- The Commission reserves the right to investigate isolated ponds or pools of standing water in the Spring to determine if the pools meet the criteria for vernal pools. This Order of Wetland Resource Area Delineation does not extend to the presence or absence of Vernal Pools.

Vote 5-0 in favor.

Notice of Intent - 305 Wanoosnoc Road, Brandon Funeral Home, addition

Brent Heinzer, architect for project, presented proposal for addition.

Tim: some background on site - Bovenzi filling couple years ago, erosion problem from outlet pipe, was violation.

Mike D: that fill had been removed soon after.

Brent understood from Hannigan Engineering who did the previous filing that a wetland near Wanoosnoc Rd. & South St. was non-jurisdictional. Tim recalled that the issue had never been settled -- that it may be ILSF, but that it didn't matter since Bovenzi's proposed work wasn't near it.

Kevin suggesting replacing the square footage that would be paved with green space. Brent will revise the plan.

Motion made & seconded to approve OOC, subject to showing no net increase of impervious area.
Vote 5-0 in favor.

Notice of Intent - Fitchburg Riverfront Park - remove portion of floodwall

Cindy DelPapa of Riverways Program and Dave Streb present.

Cindy presented plan. They are proceeding toward getting funding but would like to tell State & ACOE that they're working on getting permits.

ACOE has been involved in the project, but they need more info.

Cindy: ACOE has changed opinion since Hurricane Katrina -- a berm is no longer ok, now a levee is required. Now approval of D.C. is req'd instead of District office.

ACOE likes the in-stream work - deepening channel, removing debris.

Mike D. what will be material sloping down to water?

Cindy: use existing, material, geotextile fabric, loan & seed.

Tom: wants site visit

Mike D. wants to look at plan

Kevin: any change CC requires will have to be reviewed and approved by ACOE.

Motion made & seconded to issue OOC.

Vote 5-0 in favor.

Proposed Rules & Regulations adopted under Fitchburg Local Wetlands Ordinance

Couple of minor changes suggested to the Regs. -- delete part about addition publication fee. Cost will be taken out of fees.

Motion made & seconded to adopt to Rules & Regulations with those minor changes.

Vote unanimous in favor.

Al Futterman, NRWA - "Forest Legacy Program" application for Arn-How Farm

Al gave overview of program - part of Southern Monadnock Plateau.

Q: Should the Arn-How Farm property be acquired thru the Forest Legacy Project, is the ConCom willing to hold the Conservation Restriction for it? (Fish & Wildlife would hold the fee)

Area is approx. 200 ac. Does not include the frontage lots or already developed areas. Would need to monitor property an annual basis. A baseline ecological survey is in the process of being done. The CR could be assigned by ConCom to another organization.

Deal may not become final for 2 ½ years.

Motion made & seconded to send letter stating that the ConCom is willing to accept CR on Sumners' Arn-How Farm Road property should the Forest Legacy Project application be successful.

Vote unanimous in favor.

OTHER BUSINESS:

Matt Marro in to request Certificate of Compliance for Victoria Lane subdivision. It was not accompanied by a certification by a P.E. that development was done according to the approved plan, or listing exceptions where it wasn't.

Matt would provide that PE's cert. Tim to perform site walk with Matt, etc.

Is DEP satisfied? Matt will get documentation from DEP. He understood that property line of open space had changed. He will document that also.

Mr. Rantala, Ashby State Road/Taylor Road

Asked about status of this complaint against abutter Fanelli. Wants Fanelli to install culvert to solve his drainage problem.

Site visit with Tim & Tom Christopher to be set up for either next Monday or Weds.

Tully - land swap, Ashby West Road

Discussion on potential hold up of Tully & City watershed land swap.

Atty. Burgoyne & Ross Assocs. raised concern that a small intermittent stream on Tully's Lot 2 becomes a "river" under the City's new wetlands ordinance. The development of Lot 2 will still need an OOC.

Since the plan had been approved well before the adoption of the local Wetlands Ordinance, the Commission voted unanimously to agree to waive Lot 2 on Ashby West Road, as shown on Tully's development plan, from the application of the recently approved Fitchburg Wetlands Protection Ordinance, and the Rules & Regulations adopted under the authority of the Ordinance.

Any Notice of Intent submitted for Lot 2 will be handled under the "usual" state Wetlands Act & Regulations, not Fitchburg's local wetlands ordinance & regulations.

Kevin reminded that before Coolidge Phase II is started DPW should finish loaming & seeding the rest of Baker Brook bank stabilization project, per approved plan.

Motion made & seconded to adjourn. Vote unanimous.

Meeting adjourned: 8:10 p.m.

Next meeting: October 28, 2008

approve 10-28-08